

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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<b>UFCW LOCAL 50 PENSON PLAN</b> and ITS	:
TRUSTEE,	:
	:
Plaintiffs,	: <b>MEMORANDUM AND ORDER</b>
	:
– against –	: 20-CV-4751 (AMD) (LB)
	:
	:
<b>G&amp;W FOOD PRODUCTS, INC.</b> and <b>JOE DOE</b>	:
<b>COMPANIES 1-99,</b>	:
	:
Defendants.	:
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**ANN M. DONNELLY**, United States District Judge:

The plaintiffs filed this action against G&W Food Products, Inc. (“G&W”) and Joe Doe companies 1-99 on October 5, 2020.<sup>1</sup> (ECF No. 1.) The plaintiffs raise claims under the Employee Retirement Income Security Act of 1974, as amended, 29 U.S.C. § 1001, *et seq.* (“ERISA”). (*See id.*) The plaintiffs served G&W on October 6, 2020. (ECF No. 5.) The clerk filed an entry of default by G&W on November 9, 2020. (ECF No. 7.)

On December 16, 2020, the plaintiff filed a motion for default judgment against G&W. (ECF No. 8.) I referred the motion to Magistrate Judge Steven Gold that same day. On January 12, 2021, the case was reassigned to Magistrate Judge Lois Bloom.

Judge Bloom issued a thorough report and recommendation on August 17, 2021, in which she recommends that I grant the plaintiff’s motion. (ECF No. 11 at 17.) No party filed an objection to the report and recommendation, and the time for doing so has passed.

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<sup>1</sup> In the complaint, the plaintiffs refer to “John Doe” companies, whereas in the brief in support of the plaintiff’s motion for default judgment, the plaintiff refers to “Joe Doe” companies. (ECF Nos. 1, 8-6.) This order refers to “Joe Doe” companies.

Judge Bloom recommends that the Court award \$256,594 to the plaintiff, which includes: \$207,648 in ERISA withdrawal liability, \$3,460.80 in interest (through December 15, 2020), \$41,529.60 in liquidated damages, \$3,485.60 in attorneys' fees and \$470 in costs. (*Id.*) Judge Bloom also recommends that the Court award the plaintiffs \$18.75 per day in interest from December 16, 2020 through entry of judgment. (*Id.*) In addition, Judge Bloom recommends that the Court dismiss the action against Joe Doe companies 1-99 without prejudice. (*Id.*)

A district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). To accept a report and recommendation to which no timely objection has been made, "a district court need only satisfy itself that there is no clear error on the face of the record." *VOX Amplification Ltd. v. Meussdorffer*, 50 F. Supp. 3d 355, 369 (E.D.N.Y. 2014).

I have reviewed Judge Bloom's well-reasoned and comprehensive report and recommendation and find no error. Accordingly, I adopt the report and recommendation in its entirety.

**SO ORDERED.**

s/Ann M. Donnelly

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ANN M. DONNELLY  
United States District Judge

Dated: Brooklyn, New York  
September 2, 2021